

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5248

58th Legislature
2003 Regular Session

Passed by the Senate April 23, 2003
YEAS 42 NAYS 5

President of the Senate

Passed by the House April 8, 2003
YEAS 53 NAYS 43

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 5248 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5248

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Prentice, Oke and Stevens)

READ FIRST TIME 02/07/03.

1 AN ACT Relating to transportation; amending RCW 41.06.380 and
2 35.84.060; adding new sections to chapter 47.28 RCW; adding a new
3 section to chapter 49.04 RCW; adding a new section to chapter 47.01
4 RCW; adding a new section to chapter 47.06 RCW; adding a new section to
5 chapter 39.12 RCW; adding a new section to chapter 36.56 RCW; adding a
6 new section to chapter 36.57A RCW; adding a new section to chapter
7 46.68 RCW; adding a new section to chapter 81.112 RCW; adding a new
8 section to chapter 36.78 RCW; creating new sections; and making an
9 appropriation.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

PART I

ALTERNATIVE DELIVERY PROCEDURES FOR CONSTRUCTION SERVICES

13 NEW SECTION. **Sec. 101.** The legislature finds that there is a
14 pressing need for additional transportation projects to meet the
15 mobility needs of Washington's citizens. With major new investments
16 approved to meet these pressing needs, additional work force assistance
17 is necessary to ensure and enhance project delivery timelines.
18 Recruiting and retaining a high quality work force, and implementing

1 new and innovative procedures for delivering these transportation
2 projects, is required to accomplish them on a timely basis that best
3 serves the public. It is the intent of sections 103 and 104 of this
4 act that no state employees will lose their employment as a result of
5 implementing new and innovative project delivery procedures.

6 NEW SECTION. **Sec. 102.** A new section is added to chapter 47.28
7 RCW to read as follows:

8 The definitions in this section apply throughout section 103 of
9 this act and RCW 41.06.380 unless the context clearly requires
10 otherwise.

11 (1) "Construction services" means those services that aid in the
12 delivery of the highway construction program and include, but are not
13 limited to, real estate services and construction engineering services.

14 (2) "Construction engineering services" include, but are not
15 limited to, construction management, construction administration,
16 materials testing, materials documentation, contractor payments and
17 general administration, construction oversight, and inspection and
18 surveying.

19 NEW SECTION. **Sec. 103.** A new section is added to chapter 47.28
20 RCW to read as follows:

21 (1) The department of transportation shall work with
22 representatives of transportation labor groups to develop a financial
23 incentive program to aid in retention and recruitment of employee
24 classifications where problems exist and program delivery is negatively
25 affected. The department's financial incentive program must be
26 reviewed and approved by the legislature before it can be implemented.
27 This program must support the goal of enhancing project delivery
28 timelines as outlined in section 101 of this act. Upon receiving
29 approval from the legislature, the department of personnel shall
30 implement, as required, specific aspects of the financial incentive
31 package, as developed by the department of transportation.

32 (2) Notwithstanding chapter 41.06 RCW, the department of
33 transportation may acquire services from qualified private firms in
34 order to deliver the transportation construction program to the public.
35 Services may be acquired solely for augmenting the department's work
36 force capacity and only when the department's transportation

1 construction program cannot be delivered through its existing or
2 readily available work force. The department of transportation shall
3 work with representatives of transportation labor groups to develop and
4 implement a program identifying those projects requiring contracted
5 services while establishing a program as defined in subsection (1) of
6 this section to provide the classified personnel necessary to deliver
7 future construction programs. The procedures for acquiring
8 construction engineering services from private firms may not be used to
9 displace existing state employees nor diminish the number of existing
10 classified positions in the present construction program. The
11 acquisition procedures must be in accordance with chapter 39.80 RCW.

12 (3) Starting in December 2004, and biennially thereafter, the
13 secretary shall report to the transportation committees of the
14 legislature on the use of construction engineering services from
15 private firms authorized under this section. The information provided
16 to the committees must include an assessment of the benefits and costs
17 associated with using construction engineering services, or other
18 services, from private firms, and a comparison of public versus private
19 sector costs. The secretary may act on these findings to ensure the
20 most cost-effective means of service delivery.

21 **Sec. 104.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended
22 to read as follows:

23 (1) Nothing contained in this chapter shall prohibit any
24 department, as defined in RCW 41.06.020, from purchasing services by
25 contract with individuals or business entities if such services were
26 regularly purchased by valid contract by such department prior to April
27 23, 1979: PROVIDED, That no such contract may be executed or renewed
28 if it would have the effect of terminating classified employees or
29 classified employee positions existing at the time of the execution or
30 renewal of the contract.

31 (2) Nothing contained in this chapter prohibits the department of
32 transportation from purchasing construction services or construction
33 engineering services, as those terms are defined in section 102 of this
34 act, by contract from qualified private businesses as specified in
35 section 103(2) of this act.

1 PART II

2 APPRENTICESHIP AND ADJUSTMENTS TO PREVAILING WAGE PROVISIONS

3 NEW SECTION. **Sec. 201.** (1) The legislature finds that a skilled
4 technical work force is necessary for maintaining, preserving, and
5 improving Washington's transportation system. The Blue Ribbon
6 Commission on Transportation found that state and local transportation
7 agencies are showing signs of a work force that is insufficiently
8 skilled to operate the transportation system at its highest level.
9 Sections 201 through 206 of this act are intended to explore methods
10 for fostering a stronger industry in transportation planning and
11 engineering.

12 (2) It is the intent of the legislature that the state prevailing
13 wage process operate efficiently, that the process allow contractors
14 and workers to be paid promptly, and that new technologies and
15 innovative outreach methods be used to enhance wage surveys in order to
16 better reflect current wages in counties across the state.

17 (3) The legislature finds that in order to enhance the prevailing
18 wage process it is appropriate for all intent and affidavit fees paid
19 by contractors be dedicated to the sole purpose of administering the
20 state prevailing wage program.

21 (4) To accomplish the intent of this section and in order to
22 enhance the response of businesses and labor representatives to the
23 prevailing wage survey process, the department of labor and industries
24 shall undertake the following activities:

25 (a) Establish a goal of conducting surveys for each trade every
26 three years;

27 (b) Actively promote increased response rates from all survey
28 recipients in every county both urban and rural. The department shall
29 provide public education and technical assistance to businesses, labor
30 representatives, and public agencies in order to promote a better
31 understanding of prevailing wage laws and increased participation in
32 the prevailing wage survey process;

33 (c) Actively work with businesses, labor representatives, public
34 agencies, and others to ensure the integrity of information used in the
35 development of prevailing wage rates, and ensure uniform compliance
36 with requirements of sections 201 through 206 of this act;

37 (d) Maintain a timely processing of intents and affidavits, with a

1 target processing time no greater than seven working days from receipt
2 of completed forms;

3 (e) Develop and implement electronic processing of intents and
4 affidavits and promote the efficient and effective use of technology to
5 improve the services provided by the prevailing wage program.

6 NEW SECTION. **Sec. 202.** A new section is added to chapter 49.04
7 RCW to read as follows:

8 The apprenticeship council shall work with the department of
9 transportation, local transportation jurisdictions, local and statewide
10 joint apprenticeships, other apprenticeship programs, representatives
11 of labor and business organizations with interest and expertise in the
12 transportation work force, and representatives of the state's
13 universities and community and vocational colleges to establish
14 technical apprenticeship opportunities specific to the needs of
15 transportation. The council shall issue a report of findings and
16 recommendations to the transportation committees of the legislature by
17 December 1, 2003. The report must include, but not be limited to,
18 findings and recommendations regarding the establishment of
19 transportation technical training programs within the community and
20 vocational college system and in the state universities.

21 NEW SECTION. **Sec. 203.** A new section is added to chapter 47.01
22 RCW to read as follows:

23 The department of transportation shall work with local
24 transportation jurisdictions and representatives of transportation
25 labor groups to establish a human resources skills bank of
26 transportation professionals. The skills bank must be designed to
27 allow all transportation authorities to draw from it when needed. The
28 department shall issue a report of findings and recommendations to the
29 transportation committees of the legislature by December 1, 2003. The
30 report must include, but not be limited to, identification of any
31 statutory or administrative rule changes necessary to create the skills
32 bank and allow it to function in the manner described.

33 NEW SECTION. **Sec. 204.** A new section is added to chapter 47.06
34 RCW to read as follows:

1 The state interest component of the statewide multimodal
2 transportation plan must include a plan for enhancing the skills of the
3 existing technical transportation work force.

4 NEW SECTION. **Sec. 205.** The department of labor and industries, in
5 cooperation with the department of transportation, shall conduct an
6 assessment of the current practices, including survey techniques, used
7 in setting prevailing wages for those trades related to transportation
8 facilities and transportation project delivery. The assessment must
9 include an analysis of regional variations and stratified random
10 sampling survey methods. A final report must be submitted to the
11 governor and the transportation and labor committees of the senate and
12 house of representatives by July 1, 2003.

13 NEW SECTION. **Sec. 206.** A new section is added to chapter 39.12
14 RCW to read as follows:

15 (1) In establishing the prevailing rate of wage under RCW
16 39.12.010, 39.12.015, and 39.12.020, all data collected by the
17 department may be used only in the county for which the work was
18 performed.

19 (2) This section applies only to prevailing wage surveys initiated
20 on or after August 1, 2003.

21 NEW SECTION. **Sec. 207.** The sum of one hundred thousand dollars,
22 or as much thereof as may be necessary, is appropriated from the public
23 works administration account to the department of labor and industries
24 for the biennium ending June 30, 2005, to carry out the purposes of
25 sections 201, 205, and 206 of this act.

26 **PART III**
27 **TRANSPORTATION PLANNING AND EFFICIENCY**

28 NEW SECTION. **Sec. 301.** The legislature finds that roads, streets,
29 bridges, and highways in the state represent public assets worth over
30 one hundred billion dollars. These investments require regular
31 maintenance and preservation, or rehabilitation, to provide cost-
32 effective transportation services. Many of these facilities are in
33 poor condition. Given the magnitude of public investment and the

1 importance of safe, reliable roadways to the motoring public, the
2 legislature intends to create stronger accountability to ensure that
3 cost-effective maintenance and preservation is provided for these
4 transportation facilities.

5 **Sec. 302.** RCW 35.84.060 and 1969 ex.s. c 281 s 26 are each amended
6 to read as follows:

7 Every municipal corporation which owns or operates an urban public
8 transportation system as defined in RCW 47.04.082 within its corporate
9 limits((7)) may acquire, construct, extend, own, or operate such urban
10 public transportation system to any point or points not to exceed
11 fifteen miles outside of its corporate limits: PROVIDED, That no
12 municipal corporation shall extend its urban public transportation
13 system beyond its corporate limits to operate in any territory already
14 served by a privately operated auto transportation company holding a
15 certificate of public convenience and necessity from the utilities and
16 transportation commission.

17 As a condition of receiving state funding, the municipal
18 corporation shall submit a maintenance management plan for
19 certification by the transportation commission or its successor entity.
20 The plan must inventory all transportation system assets within the
21 direction and control of the municipality, and provide a preservation
22 plan based on lowest life-cycle cost methodologies.

23 NEW SECTION. **Sec. 303.** A new section is added to chapter 36.56
24 RCW to read as follows:

25 As a condition of receiving state funding, a county that has
26 assumed the transportation functions of a metropolitan municipal
27 corporation shall submit a maintenance and preservation management plan
28 for certification by the transportation commission or its successor
29 entity. The plan must inventory all transportation system assets
30 within the direction and control of the county, and provide a
31 preservation plan based on lowest life-cycle cost methodologies.

32 NEW SECTION. **Sec. 304.** A new section is added to chapter 36.57A
33 RCW to read as follows:

34 As a condition of receiving state funding, a public transportation
35 benefit area authority shall submit a maintenance and preservation

1 management plan for certification by the transportation commission or
2 its successor entity. The plan must inventory all transportation
3 system assets within the direction and control of the authority, and
4 provide a preservation plan based on lowest life-cycle cost
5 methodologies.

6 NEW SECTION. **Sec. 305.** A new section is added to chapter 46.68
7 RCW to read as follows:

8 During the 2003-2005 biennium, cities and towns shall provide to
9 the transportation commission, or its successor entity, preservation
10 rating information on at least seventy percent of the total city and
11 town arterial network. Thereafter, the preservation rating information
12 requirement shall increase in five percent increments in subsequent
13 biennia. The rating system used by cities and towns must be based upon
14 the Washington state pavement rating method or an equivalent standard
15 approved by the transportation commission or its successor entity.

16 NEW SECTION. **Sec. 306.** A new section is added to chapter 81.112
17 RCW to read as follows:

18 As a condition of receiving state funding, a regional transit
19 authority shall submit a maintenance and preservation management plan
20 for certification by the transportation commission or its successor
21 entity. The plan must inventory all transportation system assets
22 within the direction and control of the transit authority, and provide
23 a plan for preservation of assets based on lowest life-cycle cost
24 methodologies.

25 NEW SECTION. **Sec. 307.** A new section is added to chapter 36.78
26 RCW to read as follows:

27 The county road administration board, or its successor entity,
28 shall establish a standard of good practice for maintenance of
29 transportation system assets. This standard must be implemented by all
30 counties no later than December 31, 2007. The board shall develop a
31 model maintenance management system for use by counties. The board
32 shall develop rules to assist the counties in the implementation of
33 this system. Counties shall annually submit their maintenance plans to
34 the board. The board shall compile the county data regarding

1 maintenance management and annually submit it to the transportation
2 commission or its successor entity.

3 NEW SECTION. **Sec. 308.** Part headings used in this act are not
4 part of the law.

5 NEW SECTION. **Sec. 309.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 310.** This act is null and void if new
10 transportation revenues do not become law by January 1, 2004.

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